

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVE WILHELM,

Petitioner,

v.

MULE CREEK STATE PRISON,

Respondent.

No. 2:24-cv-01226-DAD-SCR (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. Nos. 5, 6)

Petitioner Steve Wilhelm is a state prisoner proceeding *pro se* with a petition for writ of mandate. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 17, 2024, the assigned magistrate judge issued findings and recommendations recommending that petitioner's motion to proceed *in forma pauperis* (Doc. No. 5) be denied and that the petition for writ of mandate be dismissed without leave to amend due to a lack of subject matter jurisdiction and petitioner's failure to state a cognizable claim for relief. (Doc. No. 6.) The pending findings and recommendations were served upon petitioner and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. (*Id.*) To date, petitioner has not filed any objections and the time in which to do so has passed.

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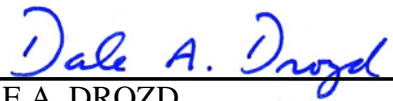
1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
3 pending findings and recommendations are supported by the record and proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on July 17, 2024 (Doc. No. 6) are
6 adopted in full;
- 7 2. The petition for writ of mandate (Doc. No. 1) is dismissed;
- 8 3. Petitioner's motion to proceed *in forma pauperis* (Doc. No. 5) is denied; and
- 9 4. The Clerk of the Court is directed to close this case.

10 IT IS SO ORDERED.

11 Dated: August 21, 2024

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13 DALE A. DROZD
14 UNITED STATES DISTRICT JUDGE
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